HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.10135 of 2006

30-05-2006

Between:

Dadde Prise

… Petitioner

and

Mandal Revenue Officer (Rural)

Visakhapatnam and another.

… Respondents

ORDER:

The petitioner was issued a show cause notice in
Form-I under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 alleging that the petitioner is in possession of Ac.2-00 of land in Survey No.150/2 in Kommadi village, Visakhapatnam Rural Mandal in contravention of the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner submitted an explanation on 06-05-2006 wherein he pleaded that he did not purchase any assigned land and that he is himself an assignee. He made reference to the order under which he was assigned the land. The petitioner complains that without passing any order, the first respondent dispossessed him

from the land on 16-05-2006 and therefore seeks appropriate directions in this regard.

After perusing the record made available by the petitioner, this Court passed an order on 24-05-2006 directing appearance of the first respondent together with relevant record. On perusal of the record, it is evident that the first respondent passed an order against the petitioner on 15-05-2006 and on the next day itself resumed the land. The record does not disclose that the order of resumption was served upon the petitioner muchless an opportunity was given to him during enquiry into the matter.

Heard learned counsel for the petitioner and learned Government Pleader for Assignments.

The show cause notice issued to the petitioner is vague in its content. No reference was made to any proceedings in the notice. Be that as it may, when once the petitioner had pleaded that he is himself an assignee, the first respondent was under obligation to examine the same and if he entertained any doubt as to the genuineness of the order of assignment, he ought to have provided an opportunity to the petitioner to establish its genuineness. The first respondent did not take any of these steps, but straightaway proceeded to pass order directing resumption of the land. The record does not disclose that any notice was issued to the original assignee or that the order was served upon the petitioner. The whole exercise was undertaken with undue haste and in utter violation of settled principles.

Therefore, the writ petition is allowed and the order dated 15-05-2006 is set aside. The first respondent is directed to consider the matter afresh duly giving opportunity of being heard to the petitioner and pass appropriate orders on the basis of record and in accordance with law. The first respondent shall restore possession of the land to the petitioner within two days and the petitioner in turn is directed not to alter the nature of the land or create any encumbrance.

30-05-2006

bsc